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SENATE BILL 667

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

GLORIA HOWES

AN ACT

RELATING TO LAW ENFORCEMENT; PROVIDING CONSERVATION OFFICERS WITH AUTHORITY TO ENFORCE CERTAIN CRIMINAL LAWS; AMENDING A SECTION OF THE NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 17-2-19 NMSA 1978 (being Laws 1912, Chapter 85, Section 57, as amended) is amended to read:

"17-2-19. ENFORCEMENT OF GAME LAWS--POWERS OF CONSERVATION OFFICERS. --

A. The director of the department of game and fish, each conservation officer, each sheriff in his respective county and each member of the New Mexico state police shall enforce Chapter 17 NMSA 1978 and shall:

(1) seize any game or fish held in violation of that chapter;

1 (2) with or without warrant, arrest any person
2 whom he knows to be guilty of a violation of that chapter; and

3 (3) open, enter and examine all camps, wagons,
4 cars, tents, packs, boxes, barrels and packages where he has
5 reason to believe any game or fish taken or held in violation of
6 that chapter is to be found, and seize it.

7 B. Any warrant for the arrest of a person shall be
8 issued upon sworn complaint, the same as in other criminal
9 cases, and any search warrant shall issue upon a written showing
10 of probable cause, supported by oath or affirmation, describing
11 the places to be searched or the persons or things to be seized.

12 C. Conservation officers may, under the direction of
13 the state game commission and the director of the department of
14 game and fish:

15 (1) establish from time to time, as needed for
16 the proper functioning of the game and fish research and
17 management division, checking stations at points along
18 established roads, or roadblocks, for the purpose of detecting
19 and apprehending persons violating the game and fish laws and
20 the regulations referred to in Section 17-2-10 NMSA 1978;

21 (2) under emergency circumstances and while on
22 official duty only and except as otherwise provided in Paragraph
23 (3) of this subsection, enforce the provisions of the Criminal
24 Code and the Motor Vehicle Code; and

25 (3) while on official duty only, enforce the

Underscored material = new
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1 provisions of:

2 (a) Sections 30-14-1 and 30-14-1.1 NMSA
3 1978 pertaining to criminal trespass;

4 (b) Section 30-3-1 NMSA 1978, pertaining
5 to assault;

6 (c) Section 30-3-4 NMSA 1978, pertaining
7 to battery;

8 (d) Section 30-7-2 NMSA 1978, pertaining
9 to unlawful carrying of a deadly weapon;

10 (e) Section 30-7-4 NMSA 1978, pertaining
11 to negligent use of a deadly weapon;

12 (f) Section 30-14-4 NMSA 1978, pertaining
13 to wrongful use of public property;

14 (g) Section 30-15-1 NMSA 1978, pertaining
15 to criminal damage to property;

16 (h) Section 30-16-6 NMSA 1978, pertaining
17 to fraud, but only when the fraud is associated with outfitting
18 or guiding services;

19 (i) Section 30-22-1 NMSA 1978, pertaining
20 to resisting, evading or obstructing an officer;

21 (j) Section 30-22-3 NMSA 1978, pertaining
22 to concealing identity; and

23 (k) Section 72-1-8 NMSA 1978, pertaining
24 to camping next to a manmade water hole "

25 Section 2. EFFECTIVE DATE. --The effective date of the

.115858.1

1 provisions of this act is July 1, 1997.

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1 FORTY-THIRD LEGISLATURE

2 FIRST SESSION, 1997

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6 March 10, 1997

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8 Mr. President:

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10 Your PUBLIC AFFAIRS COMMITTEE, to whom has been referred

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12 SENATE BILL 667

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14 has had it under consideration and reports same WITHOUT
15 RECOMMENDATION, and thence referred to the JUDICIARY
16 COMMITTEE.
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19 Respectfully submitted,

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23 _____
24 Shannon Robinson, Chairman
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FORTY- SECOND LEGI SLATURE
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KEYBOARD(TYPE SLUGS)

Page 6

Adopted _____ Not Adopted _____

(Chi ef Clerk)

(Chi ef Clerk)

Date _____

The roll call vote was 8 For 0 Against

Yes: 8

No: 0

Excused: Smi th

Absent: 0

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3 **KEYBOARD(TYPE SLUGS)**

Page 7

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11 March 14, 1997
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13 Mr. Presi dent:

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15 Your JUDI CI ARY COMMI TTEE, to whom has been referred
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17 SENATE BILL 667
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19 has had it under consideration and reports same with recommendation that
20 it DO PASS.
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22 Respectfully submitted,
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FORTY- SECOND LEGI SLATURE
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KEYBOARD(TYPE SLUGS)

Page 8

Fernando R. Maci as, Chair man

Adopted _____ Not Adopted _____
(Chi ef Clerk) (Chi ef Clerk)

Date _____

The roll call vote was 6 For 1 Against

Yes: 6

No: Stockard

Excused: Sanchez

Absent: None

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Underscored material = new
[bracketed material] = delete